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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

WILBUR ROSS, in his official capacity
as Secretary of Commerce, *et al.*,

Defendants.

Case No. 1:20-cv-00431-DAD-SAB

**DECLARATION OF BARBARA
CHISHOLM IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

Hearing Date: If not resolved on the papers,
hearing requested by April 6, 2020

Judge: Hon. Dale A. Drozd

Courtroom 5, 7th Floor
2500 Tulare Street
Fresno, CA 93721

1 I, Barbara J. Chisholm, declare as follows:

2 1. I am an attorney representing Plaintiffs Natural Resources Defense Council,
3 Defenders of Wildlife, Golden State Salmon Association, and The Bay Institute in the above-
4 captioned action and am a partner at the law firm of Altshuler Berzon LLP. I am a member in
5 good standing of the bars of the State of California and this Court. I make this declaration
6 based on my personal knowledge and, if called to testify, could and would testify as stated
7 herein.

8 2. Attached hereto as **Exhibit A** are true and correct copies of the Delta Operations
9 Summaries for March 19-20, March 23-27, March 30, and April 1-3.¹ These daily summaries
10 of scheduled Delta exports, estimated Delta hydrology, and Delta operations from joint
11 operation of the State Water Project and Central Valley Project are issued by e-mail by the
12 California Department of Water Resources, and are also available each day online at
13 [https://water.ca.gov/Programs/State-Water-Project/Operations-and-Maintenance/Operations-](https://water.ca.gov/Programs/State-Water-Project/Operations-and-Maintenance/Operations-and-Delta-Status)
14 [and-Delta-Status](https://water.ca.gov/Programs/State-Water-Project/Operations-and-Maintenance/Operations-and-Delta-Status) (click on “Delta Operations Summary (daily)”).

15 3. Attached hereto as **Exhibit B** is a true and correct copy of a report on Delta
16 Hydrology Conditions, which I downloaded from the California Department of Water
17 Resources’ website at the following address: [https://water.ca.gov/-/media/DWR-Website/Web-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Operations-And-Maintenance/Files/Operations-Control-Office/Delta-Status-And-Operations/Delta-Hydrologic-Conditions-Daily-Summary.pdf?la=en&hash=16E290EB4FEC2FD14A17D61B7C72B8BD5F294C75)
18 [Pages/Programs/State-Water-Project/Operations-And-Maintenance/Files/Operations-Control-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Operations-And-Maintenance/Files/Operations-Control-Office/Delta-Status-And-Operations/Delta-Hydrologic-Conditions-Daily-Summary.pdf?la=en&hash=16E290EB4FEC2FD14A17D61B7C72B8BD5F294C75)
19 [Office/Delta-Status-And-Operations/Delta-Hydrologic-Conditions-Daily-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Operations-And-Maintenance/Files/Operations-Control-Office/Delta-Status-And-Operations/Delta-Hydrologic-Conditions-Daily-Summary.pdf?la=en&hash=16E290EB4FEC2FD14A17D61B7C72B8BD5F294C75)
20 [Summary.pdf?la=en&hash=16E290EB4FEC2FD14A17D61B7C72B8BD5F294C75](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Operations-And-Maintenance/Files/Operations-Control-Office/Delta-Status-And-Operations/Delta-Hydrologic-Conditions-Daily-Summary.pdf?la=en&hash=16E290EB4FEC2FD14A17D61B7C72B8BD5F294C75).

21 4. Attached hereto as **Exhibit C** is a true and correct copy of the Weekly Fish and
22 Water Operations Outlook for 3/31/2020 – 4/6/2020, which was provided to Plaintiffs by a
23 California Department of Fish and Wildlife staff person on April 1, 2020. This weekly
24 summary is issued by the Salmon Monitoring Team, which is an interagency technical advisory
25 team comprised of biologists, hydrologists, and other staff from both federal and state agencies.
26 Such weekly operations outlooks also appear to be provided in the weekly Meeting Notes
27

28 ¹ No reports were provided on March 21-22, March 28-29, and March 31, which are weekend days and Cesar Chavez Day (a state holiday).

1 linked on the Salmon Monitoring Team's website, [https://www.usbr.gov/mp/bdo/salmon-](https://www.usbr.gov/mp/bdo/salmon-monitoring-team.html)
2 [monitoring-team.html](https://www.usbr.gov/mp/bdo/salmon-monitoring-team.html), but the relevant Meeting Notes for March 31, 2020, have not yet been
3 posted as of the date of this declaration.

4 5. Attached hereto as **Exhibit D** is a true and correct copy of a letter sent by Plaintiffs'
5 counsel to Federal Defendants' counsel via e-mail on April 1, 2020, regarding Reclamation's
6 increased Delta exports. The enclosure to this letter was the report that is attached to this
7 declaration as Exhibit C.

8 6. Attached hereto as **Exhibit E** is a true and correct copy of an email from Federal
9 Defendants' counsel to Plaintiffs' counsel that I received on April 2, 2020, and an attached
10 memorandum from the Bureau of Reclamation.

11 7. Attached hereto as **Exhibit F** are reports for March and April 2020 on the number
12 of winter-run and spring-run Chinook salmon and Central Valley steelhead entrained and lost at
13 the Delta pumping stations operated by Reclamation and the State Water Project. I downloaded
14 these reports from Reclamation's website, <https://www.usbr.gov/mp/cvo/> (April reports linked
15 under "Fish Reports," March reports linked under "Monthly Reports (Previous Months) – Fish
16 Reports"), at the following web addresses:

17 <https://www.usbr.gov/mp/cvo/vungvari/salmondly.pdf>,
18 <https://www.usbr.gov/mp/cvo/vungvari/salmon0320.pdf>,
19 <https://www.usbr.gov/mp/cvo/vungvari/steelheaddly.pdf>, and
20 <https://www.usbr.gov/mp/cvo/vungvari/steelhead0320.pdf>.

21 8. Attached hereto as **Exhibit G** is a true and correct copy of a February 25-26, 2020
22 e-mail exchange between counsel for Plaintiffs and counsel for Federal Defendants regarding
23 the timing for a hearing on the preliminary injunction and irreparable harms beginning April 1,
24 2020. Earlier emails in the e-mail exchange chain have been omitted for brevity.

25 9. Attached hereto as **Exhibit H** is a true and correct copy of an article dated April 1,
26 2020, which I downloaded from the California Department of Water Resources' website at the
27 following address: [https://water.ca.gov/News/News-Releases/2020/April-20/March-](https://water.ca.gov/News/News-Releases/2020/April-20/March-Precipitation-Not-Enough-to-Offset-Dry-Winter)
28 [Precipitation-Not-Enough-to-Offset-Dry-Winter](https://water.ca.gov/News/News-Releases/2020/April-20/March-Precipitation-Not-Enough-to-Offset-Dry-Winter).

10. Attached hereto as **Exhibit I** is a true and correct copy of an e-mail sent by counsel for Plaintiffs to counsel for Federal Defendants and Defendant-Intervenors on April 2, 2020, notifying defendants of Plaintiffs' intention to seek a temporary restraining order on April 3, 2020. As of the morning of April 3, 2020, Federal Defendants have indicated they intend to oppose the application for a temporary restraining order and Intervenor-Defendants State Water Contractors have reserved the right to do so.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of April 2020 in Berkeley, California.

/s/ Barbara J. Chisholm
Barbara J. Chisholm